

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No announcements were made.

#### GENERAL ADMINISTRATION

Notice was duly published September 4, 2007 on Page 5 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held September 11, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, September 11, 2007:

- 2:00 Commission Hearing Room, Lincoln. Prehearing conferences.  
Call in Number: 1-877-229-1563, Access Code #09110754.
- E-2137 In the Matter of the Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Dakota County.
- E-2156 In the Matter of Twin Valleys Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Furnas County.
- E-2157 In the Matter of Nebraska Public Power District, Columbus, seeking authority to construct, operate and maintain an electric transmission line in Scottsbluff County.

#### COMMUNICATIONS DEPARTMENT

- AD-394r In the Matter of Global Connect, Mays Landing, New Jersey, seeking authority to register the connection of an automatic dialing-announcing device: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order nunc pro tunc. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
- C-3049 In the Matter of the Commission, on its own motion, seeking to conduct an investigation into possible solutions for extending the life of area codes 308 and 402. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order granting an extension. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3757/ DC-74 In the Matter of the Commission, on its own motion, regarding the 2006 Annual Report Filings: Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to enter an order sustaining the complaint. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3788 In the Matter of Cable USA III, LLC, Scottsbluff, seeking authority to provide local exchange and interexchange telecommunication services in the State of Nebraska. Commissioner Jerry Vap presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application and canceling the hearing previously scheduled for September 18, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Gene Hand informed the Commission that Windstream Communications filed a letter on September 7, 2007, seeking suspension of Level 3 Communications, LLC, Nebraska P.S.C. Tariff No. 2, filed August 27, 2007, and Level 3 responded to the letter on Sept. 10, 2007.

Gene Hand reported on the preferred route Nebraska Public Power District (NPPD) has selected for the proposed transmission line from the Shell Creek Substation north of Columbus to the Lincoln Electric System (LES) substation west of Lincoln.

Gene Hand discussed the agenda for the Nebraska Distance Education Statewide Network Phase 1 Completion Celebration scheduled for Sept. 26, 2007, from 9 a.m. to 3 p.m. at Educational Service Unit #2 in Fremont.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.36 In the Matter of the City of Lincoln/Lancaster County, Public Safety Answering Point, Lincoln, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order amending a prior order. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.67 In the Matter of Butler County, Public Service Answering Point, David City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the funding request for GIS data development & maintenance. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle voting NAY.

911-023.01 In the Matter of Sarpy County, Papillion, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation. Commissioner Landis presiding as Hearing Officer: Jeff Pursley discussed the Hearing Officer's Order entered September 6, 2007, scheduling a hearing for October 24, 2007 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Jeff Pursley reported on violations of the Wireless E-911 reporting requirements: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, that a complaint be opened against Viaero Wireless for violating Commission Rules regarding non-compliance of filing a 2<sup>nd</sup> Quarter, 2007 Wireless E-911 Quarterly Report. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-25, In the Matter of the Commission, on its own motion, seeking P.O. #20 to establish guidelines for the purpose of certifying the use of federal universal service support, and:

NUSF-66 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order in this joint-docket certifying carriers receiving high-cost support. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter orders dismissing complaints in Dockets NUSF-37.119, NUSF-37.129 and NUSF-37.133. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-37 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
.119 Telecommunications Infrastructure and Public Safety  
.129 Department, Complainant v. McLeod USA, Respondent(s).

NUSF-37 In the Matter of Jeffrey L. Pursley, Director, Nebraska  
.133 Telecommunications Infrastructure and Public Safety  
Department, Complainant v. Matrix Telecom, Inc., Respondent.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-68 In the Matter of the Distance Education Council of Nebraska, seeking support from the Nebraska Universal Service Fund for use in distance education. Commissioner Vap presiding as Hearing Officer: Jeff Pursley discussed the Hearing Officer's Order entered September 10, 2007, continuing the hearing previously scheduled for September 18, 2007, to a date later to be determined.

NUSF-69, In the Matter of the Commission, on its own motion, seeking P.O. #1 to implement policies and procedures related to providing dedicated universal service support for wireless telecommunications services: Jeff Pursley discussed the comments received in this docket on August 31, 2007.

NATURAL GAS DEPARTMENT

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Landis presiding as Hearing Officer: Angela Melton provided a status report of the pending appeal.

Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter Assessment Orders in Dockets NG-0037 (HS-008), NG-0041 (HS-0011), NG-0044 (HS-006) and NG-0048 (HS-002). Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NG-0037 In the Matter of NorthWestern Corporation, D/B/A NorthWestern Energy, Sioux Falls, South Dakota; Babcock & Brown Infrastructure Limited, BBI US Holdings Pty. Ltd., Sydney NSW 2000, Australia; BBI US Holdings II Corp., and BBI Glacier Corp., San Francisco, California, seeking approval of the proposed change in control of NorthWestern Corporation. Commissioner Vap presiding as Hearing Officer.

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Landis presiding as Hearing Officer.

NG-0044 In the Matter of Aquila Inc. D/B/A Aquila Networks, Kansas City, Missouri; Black Hills Corporation, and Black Hills/Nebraska Gas Utility Company, LLC, both of Rapid City, South Dakota, seeking approval of the proposed transfer of Aquila's Certificate of Convenience and for a Change of Control of Aquila's Nebraska jurisdictional assets. Commissioner Landis presiding as Hearing Officer.

NATURAL GAS DEPARTMENT (Cont.)

NG-0048      In the Matter of NorthWestern Corporation, d/b/a North-Western Energy, Sioux Falls, South Dakota, seeking approval of a natural gas general rate increase for Nebraska. Commissioner Vap presiding as Hearing Officer.

RULES AND REGULATIONS

Rule and      In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 12, Manufactured Housing Rules #162      and Regulations, previously written under Title 178, Chapter 16, through Health and Human Services and to create an Ad Hoc Committee; correct technical errors, grammar, punctuation, spelling, sequential numbering and the like; and to reprint the chapter in its entirety: Nichole Underhill informed the Commission that final rules will be forwarded to the Attorney General for approval on September 11, 2007.

Rule and      In the Matter of the Commission, on its own motion, seeking Regulation to amend Title 291, Chapter 7, Transmission Lines Rules #169      and Regulations, to adopt the 2007 edition of the National Electrical Safety Code as the official rules of the Commission for the construction, operation, and maintenance of overhead and underground electric transmission lines: Nichole Underhill informed the Commission that final rules were forwarded to the Attorney General for approval on September 6, 2007.

LEGISLATIVE REPORT

                In the Matter of the 2007 Annual Report to the Legislature: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to include the following language in the 2007 Annual Report to the Legislature: Legislation to prohibit the altering of caller ID information (spoofing) by anyone other than state or federal law enforcement when done for lawful purposes. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

TRANSPORTATION DEPARTMENT

LR-282      In the Matter of VIP Limobus, LLC, Omaha, seeking authority to adjust its rates and charges: Upon agreement of all Commissioners, a hearing was scheduled for September 18, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Boyle was appointed as Hearing Officer.

TRANSPORTATION DEPARTMENT (Cont.)

MR-930        In the Matter of Movers and Warehouse Division, Nebraska  
              Motor Carriers Association, Lincoln, seeking authority to  
establish a fuel surcharge in Nebraska Official Household Goods Tariff  
7-F: The fuel surcharge was reduced to 74 cents per mile.

HOUSING AND RECREATIONAL VEHICLE DEPARTMENT

RVF-1        In the Matter of the Commission, on its own motion, seeking  
              to determine the seal fee amount for the Recreational  
Vehicle Program: Motion made by Commissioner Jerry Vap, seconded by  
Commissioner Tim Schram, to schedule a hearing for October 17, 2007 at  
10:30 a.m. in the Commission Hearing Room, Lincoln. Motion passed  
with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram  
and Jerry Vap voting AYE.

GRAIN WAREHOUSE DEPARTMENT

John Fecht discussed the following shortages:

GW-445       Farmers Union Cooperative Co., Spencer: Corn  
GW-1790      Garry's Farm Service, Inc., Bloomfield: Corn  
GW-2112      James Nejezchleb, dba Deweese Agri Services, Deweese: Corn  
GW-2127      The Scoular Company, Venango: Wheat and white wheat  
GW-2129      The Scoular Company, Madrid: Wheat  
GW-2132      The Scoular Company, Sidney: Wheat and corn  
GW-2133      The Scoular Company, Hershey: Corn

GW-2024      In the Matter of Cameron Feed Co., Herman, seeking  
              cancellation of its Grain Warehouse License: The license  
was cancelled.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commis-  
sioner Tim Schram, to approve the Deputy Director's recommendation for  
approval of the following Commission invoices. Motion passed with  
Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting  
AYE and Commissioner Frank Landis voting NAY.

Office Interiors & Design	\$	3,300.00
Office Interiors & Design		600.00
Voyager		1,647.84
Fred Massing		1,573.13
Kent Pribyl		739.63
Gerald Vap		707.64

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Deputy Director's recommendation for approval of Commission minutes for the month of August 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation for Nichole Underhill to travel to and attend the National Association of Regulatory Utility Commissioners' (NARUC) Utility Rate School to be held in Clearwater, Florida from October 20 through October 26, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to authorize Commissioner Anne Boyle to travel to and attend the Connections - 2007 Conference to be held in Phoenix, Arizona, from October 24-26, 2007, with most expenses to be paid by Consortia Consulting by Telec. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to approve the Deputy Director's recommendation for Don Gray to travel to and attend the North American Numbering Council (NANC) meeting to be held in Washington, DC on October 10, 2007. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

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The meeting adjourned at 10:35 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on September 18, 2007, at 10:00 a.m. with an agenda to be available in the office of the Deputy Director at 10:00 a.m. on September 17, 2007.

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Chairman

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Deputy Director